

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2291 - SB 2368

June 8, 2020

SUMMARY OF ORIGINAL BILL: Changes, from 14 to 21, the number of calendar days in which a hearing requested by a police officer who has been dismissed, demoted, suspended, or transferred for punitive reasons must be set following the request.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (018263): Adds language to the legislation to require law enforcement officers to exhaust all other reasonable means to avoid deadly force, except in cases where an immediate threat to life or safety is posed.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 38-8-305(a), a police officer who is dismissed, demoted, suspended or transferred for punitive reasons, may within a reasonable amount of time following such action, as set by the officer's agency, request a hearing. If such request is made in a timely manner, a hearing shall be held within a reasonable amount of time set by the agency. The hearing shall be set no later than 14 calendar days following the date of request, unless a later date is acceptable to the police officer.
- Increasing to timeframe by which a hearing is to be set by one week will not result in a significant impact to state or local government expenditures.
- According to the Metropolitan Nashville Police Department Manual (section 11-10-130), officers are only authorized to use deadly force if they have probable cause to believe that the individual poses a threat of death or serious bodily injury, either to the employee or to others unless immediately apprehended and if all other means of apprehension available have been exhausted.
- It is assumed that other law enforcement agencies have similar policies. Thus, there will not be a significant impact to state or local expenditures as a result of this legislation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg